

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

YASMINE MAHONE, an individual, and  
BRANDON TOLE, an individual, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware corporation,  
AMAZON.COM SERVICES LLC; a Delaware  
Limited Liability Company; AMAZON.COM  
DEDC, LLC; a Delaware Limited Liability  
Company; and AMAZON.COM KYDC LLC, a  
Delaware Limited Liability Company,

Defendants.

Case No. 2:22-cv-00594-MJP

**STIPULATED MOTION TO  
EXTEND CERTAIN CLASS  
CERTIFICATION-RELATED  
DEADLINES AND SET LCR 37  
BRIEFING SCHEDULE AND  
~~PROPOSED~~ ORDER**

NOTE ON MOTION CALENDAR:  
AUGUST 31, 2023

**STIPULATION**

Pursuant to Local Rules 7(d)(1), 10(g), and 16(b)(6), Plaintiffs Yasmine Mahone and Brandon Tole, and Defendants Amazon.com, Inc., Amazon.com Services LLC, Amazon.com DEDC, LLC, and Amazon.com KYDC LLC (“Amazon”) (together, the “parties”) hereby jointly stipulate as follows:

1. On April 10, 2023, the Court issued a Case Scheduling Order (Dkt. #58). On July 20, 2023, the Court granted the parties’ stipulated motion to extend certain class certification-related deadlines (Dkt. #64). The parties have made good faith efforts to complete all class

1 certification discovery within the scheduled time frame but there are still a few discrete outstanding  
 2 discovery issues the parties are working to resolve and a few issues that the parties, having met  
 3 and conferred on several occasions, anticipate needing to raise with the Court. The parties have  
 4 agreed to utilize the expedited joint motion procedure under LCR 37 to resolve the discovery  
 5 disputes.

6         2. Rule 16 provides that "a schedule may be modified only for good cause and with  
 7 the judge's consent." Fed. R. Civ. P. 16(b)(4); Local Rule 16(b)(6). "Rule 16(b)'s 'good cause'  
 8 standard primarily considers the diligence of the party seeking the amendment." *Miller v. Sawant*,  
 9 2022 U.S. Dist. LEXIS 211739, \*3 (W.D. Wash. Nov. 22, 2022) (citing *Johnson v. Mammoth*  
 10 *Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)). The district court may modify the pretrial  
 11 schedule "if it cannot reasonably be met despite the diligence of the party seeking the extension."  
 12 *Kneadler v. Auburn Sch. Dist.*, 2021 U.S. Dist. LEXIS 115458, \*1 (W.D. Wash., June 17, 2021)  
 13 (citing Fed. R. Civ. P. 16 advisory committee's notes (1983 amendment)). A "court must be careful  
 14 not to deprive a party of discovery that is reasonably necessary to afford a fair opportunity to  
 15 develop and prepare the case." *Harper v. United States Seafoods, LP*, 2003 U.S. Dist. LEXIS  
 16 27646, \*11 (W.D. Wash., April 8, 2003) (citing Fed R. Civ. P. 26(b)(1) Notes of Advisory  
 17 Committee, 1983 Amendment)).

18         3. The parties have acted diligently in their attempts to obtain the necessary class  
 19 certification discovery for preparation of the Class Certification Briefing. The parties have been  
 20 producing on a rolling basis documents containing thousands of pages, and Amazon has produced  
 21 spreadsheets containing thousands of data points, including through August 31, 2023, the date of  
 22 this filing.

23         4. On August 2 and 3, 2023, Amazon took the depositions of Plaintiffs. Also on  
 24 August 3, Counsel for Plaintiffs and Counsel for Amazon met and conferred in person over the  
 25 outstanding discovery issues relating to both parties' productions. At that meeting, additional  
 26 productions were agreed upon. Plaintiffs then took three 30(b)(6) depositions on August 22, 2023.

1 The parties continued to meet and confer throughout August, including through the date of this  
2 filing, on multiple discovery issues including document and data productions, and evidentiary  
3 authentication issues.

4 5. The parties agree and stipulate to the following briefing schedule for the expedited  
5 joint motion procedure under LCR 37: (1) the parties' initial submissions under LCR 37 shall be  
6 served on September 14, 2023; (2) the parties' responses shall be served on September 21, 2023;  
7 and (3) the parties' replies shall be served on September 25, 2023. The parties will file the joint  
8 motion with the Court on September 25, 2023.

9 6. The deadline to complete class discovery is currently August 31, 2023, and  
10 Plaintiffs' Motion for Class Certification is currently due on September 15, 2023. Given the  
11 outstanding discovery issues to still be resolved, either through further meeting and conferring or  
12 through the LCR 37 procedure set forth above, the parties have agreed, pending the Court's  
13 approval, to continue: (1) the deadline to complete class discovery to October 6, 2023; (2) the  
14 deadline for Plaintiffs' Class Certification Motion to October 13, 2023; (3) the deadline for  
15 Defendants' Response to the Motion for Class Certification to December 15, 2023; and (4) the  
16 deadline for Plaintiffs' Reply to January 15, 2024.

17 7. Class discovery conducted between September 1 and October 6 shall be limited,  
18 for Plaintiffs, to the Interrogatories, Requests for Admission, Rule 30(b)(6) deposition notice, and  
19 deposition notice for Brian Poole served by Plaintiffs on August 30, 2023, and for Defendants, to  
20 Defendants' requests, made in August 25, 2023 email correspondence, for the production of  
21 additional documentation and information by Plaintiffs following their depositions (the "Pending  
22 Requests"). The parties reserve all rights and objections with respect to the Pending Requests and  
23 their agreement to the foregoing schedule is not an agreement that the Pending Requests are all  
24 permissible subjects of class discovery. Nothing in this stipulation alters the rights or duties of the  
25 parties to satisfy the obligations imposed by Fed. R. Civ. P. 26(e) with respect to class discovery.  
26

8. There has been one prior request to extend the deadlines set in the Court's April 10, 2023 Case Scheduling Order. Extending the deadlines as stipulated would not affect any other scheduled dates in the proceeding.

RESPECTFULLY SUBMITTED this 31st of August 2023.

By: s/ Shannon McDermott

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*Counsel for Plaintiffs and the  
Proposed Putative Class*

**~~PROPOSED~~ ORDER**

Based upon the foregoing Stipulation, **IT IS SO ORDERED.**

DATED this 5th day of September, 2023.



Marsha J. Pechman  
United States Senior District Judge

PRESENTED BY:

s/ Shannon McDermott

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